pledgee for the amount of his claim against the pledgor, and the other by the pledgor for the balance. In any event the law results in no hardship to the pledgee, for he is fully protected to the extent of the pledgor's obligation in his favor.

GREAT ENGLISH JUDGES — EXCHEQUER. — From 1834 to 1855 the ruling power in the Court of Exchequer, and indeed the dominant figure of the English bench, was Sir James Parke, afterwards Baron Wensleydale. He was born at Highfield, near Liverpool, in 1782, and was educated at the grammar school of Macclesfield, and at Trinity College, Cambridge. After studying with a special pleader, he was called to the bar at the Inner Temple, where his career, though not brilliant, was creditably successful. In 1828 he was appointed to the King's Bench, and knighted; in 1833 he was sworn of the Privy Council, and the next year was transferred to the Exchequer. Baron Parke ranks as one of the greatest of English judges; had he comprehended the principles of equity as fully as he did the principles of the common law, he might fairly be called the greatest. His mental power, his ability to grasp difficult points, to disentangle complicated facts, and to state the law clearly, have seldom been surpassed. No judgments delivered during this period are of greater service to the student of law than his. He had, perhaps, too great respect for authority, and was rather too much disinclined to go against a previous decision. He is reported to have said, "I think a solemn judgment should refer to every case on the subject." His detractors, of whom perhaps the chief was the late Lord Coleridge, accuse him also of an absurd devotion to the forms rather than to the substance of law. The classical remark attributed to him is, "Think of the state of the record!" But though as a complete master of the subtleties of special pleading he stands as the great exponent of that perhaps too exacting system, it may be questioned whether his efficiency as a judge was in this wise materially impaired. Baron Parke resigned from the Exchequer in disgust with the Common Law Procedure Acts of 1854 and 1855. The next year he was raised to the peerage; to the end of his life he took part in the legal deliberations of the House of Lords. He died at his seat in Bedfordshire in 1868 at the age of eighty-five.

Baron Parke was succeeded in the Exchequer by Sir George Bramwell, later Lord Bramwell. The herald and chief exponent of reform in the conduct of the law courts, and standing, in popular estimation at least, for diametrically opposed ideas, Baron Bramwell resembles his illustrious predecessor in that, like him, for years he was the great judge in the Court of Exchequer. He was born in London in 1808, and was educated at a private school in Enfield. After spending some time in his father's London bank, he studied special pleading under Mr. Fitzroy Kelly, later Chief Baron. Finding this branch of the law neither congenial nor profitable, he resolved to be called to the bar, where, after a few years, he acquired a large practice. Never a brilliant nor an eloquent speaker, his success was due largely to his simple and convincing manner in talking to juries. He was made Queen's Counsel in 1851. He was appointed by Lord Cranworth one of the commissioners to inquire into the working of the common law courts, with which at this time there existed general dissatisfaction. His investigations in this behalf and subsequent recommendations, together with those of Mr. Willes, were largely responsible for the

substance of the Common Law Procedure Acts of 1854 and 1855. The distinguishing feature of Baron Bramwell's judicial character was sound common sense. This and the added advantage of a business training made his decisions in the field of mercantile law second to those of no other English judge. He was singularly successful at *Nisi Prius*, seeming always to be on terms of perfect mutual understanding with the jury. Especially admirable was his conduct of criminal cases. Few guilty men tried before him escaped; but it has been said that "to any man in danger of suffering from unfairness, to have Sir George Bramwell on the judgment seat was better than to have enlisted the services of the best advocate at the bar." In 1876 he was made a Lord Justice of Appeal, and on his retirement was raised to the peerage. He took an active part in the proceedings of the upper house, combating vigorously all kinds of "paternal legislation." He died at his home in Edenbridge, Kent, in 1892. Baron Bramwell was great because of his force of character, and Mr. Dicey, who compares him to Dr. Johnson, has well written, "He was manly in the best sense of the word, simple and natural."

RECENT CASES.

ADMIRALTY — GENERAL AVERAGE. — Owing to a severe storm, a tug towing barges cut them adrift for the purpose of saving itself, so that they were lost. *Held*, that the tug was not bound up with the barges into a single maritime adventure so as to be subject to the law of general average. *The J. P. Donaldson*, 17 Sup. Ct. Rep. 951, reversing 21 Fed. Rep. 671.

The case presents a novel and interesting application of the law of general average. The Supreme Court agrees with the lower court in that the sacrifice must be made for the benefit of the common adventure. 2 Arnould on Ins., 5th ed., 813. But it holds that the adventure is not common. The reasoning is that, as the tug is not a common carrier (*The Burlington*, 137 U. S. 386), there is no such bailment of the barges as to authorize the captain of the tug to cut them loose. This common law distinction in admiralty law is at least suspicious. The court relies on the case of *Ralli* v. *Troop*, 157 U. S. 386, for a criticism of which case see article on General Average, by Judge Lowell, 9 HARVARD LAW REVIEW, 185.

AGENCY — FELLOW SERVANTS — SAFE APPLIANCES. — One of the defendant's employees, in charge of a barrel used for heating water by means of steam, negligently left a plug in the escape pipe, where it had been put a month before, when the apparatus was being used for cold water. When the steam was turned on, the barrel exploded, injuring plaintiff, another employee. *Held*, that defendant was not liable. *Crowell* v. *Thomas*, 46 N. Y. Supp. 137.

It is doubtful whether this act of negligence should be regarded as a failure by the employee to keep the apparatus in a safe condition, or merely as a careless performance of one of his regular duties. Unfortunately, the court do not discuss this question. The former seems the more reasonable view of the facts, in which case the decision is wrong. The master is obliged to use ordinary care to keep machinery in a safe condition, and is not relieved from that obligation by delegating the management of the machine to a servant. See *Corcoran* v. *Holbrook*, 59 N. Y. 517; *Moynihan* v. *Hills Co.*, 146 Mass. 586.

AGENCY — RATIFICATION. — *Held*, that a forged instrument cannot be ratified. *Henry Christian Building & Loan Association* v. *Walton*, 37 Atl. Rep. 261 (Pa.).

This is in accord with the weight of authority. *Brook* v. *Hook*, L. R. 6 Ex. 89; *Workman* v. *Wright*, 33 Ohio St. 405; *Shisler* v. *Vandike*, 92 Pa. St. 447; *contra*, *Greenfield Bank* v. *Crafts*, 4 Allen, 447. The great objection to the Massachusetts view, expressed in the last mentioned case, is that the forger does not purport to act for anybody. He professes to be the person whose name he signs. It is difficult to